

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9935 of 1999

=====

Ram Bilash Bhagat @ Naresh Bhagat son of Dukha Bhagat resident of
village Aguwanpur, P.O.Sisai, P.S. and district Purnea

.... Petitioner/s

Versus

1. The State Of Bihar
2. Deputy Director, Consolidation, Purnea
3. Consolidation Officer, Kahra at Saharsa
4. Smt. Rampari Bhagat wife of Bindeshwari Bhagat
5. Bhumi Bhagat son of Late Chhotkan Bhagat
6. Kamal Bhagat son of Late Chhotkan Bhagat, all residents of village
Aguwanpur, P.O.Sisai, P.S. and district Purnea

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rekha Mukund
Mr. Sharvesh Chandra Verma
Mr. Nishant Mukund

For the Respondent/s : Mr. (GP-5)
Mr. Rajeev Ranjan
Mr. Ujjwal Kumar Jha

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

11 13-09-2012 Petitioner is aggrieved by the order dated 15.4.1999

passed by the Deputy Director of Consolidation Purnea in revision

Case No.33 of 1998 whereby the application/revision preferred by

private respondents was allowed after hearing the parties. The writ

petition asserts that the officer who exercised the jurisdiction

under section 35 of the Bihar Consolidation of Holdings

(Prevention of Fragmentation) Act, 1956 (for short the 'Act') was

not empowered to exercise jurisdiction under section 35 of the

Act.

A counter affidavit has been filed on behalf of respondent no.1 copy whereof was served on the counsel on 22.08.2000. No rejoinder thereto has been filed by the petitioner(s). In the counter affidavit the respondents have relied on Annexure-A to asserts that Deputy Director of Consolidation Purnea was delegated with power to function under section 35 of the Act with the sanction of the State Government, vide notification dated 6.11.98.

In view of aforesaid, this Court finds no merit in challenge to the said order on the ground of lack of jurisdiction. The order is otherwise well reasoned and after affording opportunity of hearing to the parties.

The application is dismissed.

(Kishore Kumar Mandal, J)

HR/-